

HOUSE BILL 1880  
By Turner M

AN ACT to amend Tennessee Code Annotated, Title 4,  
Chapter 29; Title 4, Chapter 24, Part 1 and Title  
68, Chapter 102, Part 2.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. It is the intent of the general assembly that the present commission on firefighting personnel standards and education created by Section 4-24-101 be abolished and that a new commission, with new members, be appointed pursuant to the provisions of this act.

SECTION 2. Tennessee Code Annotated, Section 4-24-101, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) There is hereby created the Tennessee firefighting commission.

SECTION 3. Tennessee Code Annotated, Section 4-24-102, is amended by adding the following language to the end thereto: "The commission shall develop a suitable curriculum for the Tennessee fire service and codes enforcement academy that serves the purpose stated in § 68-102-201(c)".

SECTION 4. Tennessee Code Annotated, Section 4-24-103, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) In July of each odd numbered year, the governor shall appoint from the commission membership a chair.

SECTION 5. Tennessee Code Annotated, Section 4-24-103, is further amended by adding the following language as a new subsection thereto:

(c) In July of each odd numbered year, the commission shall elect from its membership a vice chair and a secretary.

SECTION 6. Tennessee Code Annotated, Section 4-24-104, is amended by deleting subsection (g) in its entirety.

SECTION 7. Tennessee Code Annotated, Section 4-24-104(h), is amended by deleting the subsection in its entirety and by substituting instead the following:

(h)

(1) At least two (2) of the members appointed to the commission may be selected from a list of three (3) candidates approved by the governing body of the Tennessee Volunteer Firefighters Association in accordance with the procedure set forth in subsection (i).

(2) At least two (2) of the members appointed to the commission may be selected from a list of three (3) candidates approved by the governing body of the Tennessee Professional Firefighters Association in accordance with the procedure set forth in subsection (i).

(3) At least one (1) of the members appointed to the commission may be selected from a list of three (3) candidates approved by the governing body of the Tennessee Fire Chiefs Association in accordance with the procedure set forth in subsection (i).

(4) At least one (1) of the members appointed to the commission may be selected from a list of three (3) candidates approved by the governing body of the Tennessee Firemen's Association in accordance with the procedure set forth in subsection (i).

(5) The remaining three (3) members shall be selected by the governor.

SECTION 8. Tennessee Code Annotated, Section 4-24-104, is amended by adding the following new subsection thereto:

(i)

(1) Within two (2) weeks after the occurrence of a vacancy in the office of any commissioner caused by death, resignation, disability or forfeiture of office, and no later than thirty (30) days prior to the expiration of the term of office of any incumbent commissioner, the chair of the commission shall notify the president of the association of the vacancy of the office or the expiration of the term, if the vacancy or expiration does or shall result in fewer than two (2) of the remaining commissioners not having been selected in accordance with the procedure set forth in this section;

(2) Within twenty-one (21) days after the receipt of such notice, the governing body of the association may certify to the governor a list of three (3) nominees to fill such vacancy, and shall certify such list of nominees in order of preference;

(3) Within twenty-one (21) days after the issuance of such certification to the governor, the governor may appoint one (1) of the nominees to fill such vacancy for the remainder of the interrupted term, or for the next term, as the case may be; provided, that the governor may reject all nominees by written objection mailed to the president of the association within the twenty-one-day period, in which event the governing board of the association may submit a second list of three (3) appointees, certifying order of preference, and the governor may likewise reject all such nominees by written objection in the manner hereinbefore provided, in which event the procedure of objection by the governor and certification of additional names by the governing body of the association shall continue until the vacancy is filled; and

(4) In the event the governor shall fail to exercise the governor's appointive power or power to object within the applicable twenty-one-day period,

then the first name listed on the last list of recommended nominees shall be the appointee by operation of law; in the event the governing body of the association shall fail to certify nominees as herein permitted, the governor may fill the vacancy as otherwise provided, until the next vacancy or expiration of the term of the member, as the case may be.

(k) A member whose term expires shall continue to serve on the commission until a new member is appointed.

SECTION 9. Tennessee Code Annotated, Section 4-24-106(3), is amended by deleting the language "schools;" and by substituting instead the language "schools, including, but not limited to, the Tennessee fire service and codes enforcement academy;".

SECTION 10. Tennessee Code Annotated, Section 68-102-201(b), is amended by deleting the language "commissioner" in the last sentence of the subsection and substituting instead the language "the Tennessee firefighting commission".

SECTION 11. Tennessee Code Annotated, Section 68-102-201, is amended by adding the following language as a new subsection thereto:

(d) The governor shall appoint the executive director of the Tennessee fire service and codes enforcement academy from a list of three (3) candidates chosen by the Tennessee firefighting commission created by § 4-24-101.

SECTION 12. Tennessee Code Annotated, Section 4-29-226 is amended by deleting item (27) in its entirety.

SECTION 13. Notwithstanding the provisions of § 4-29-112, or any other law to the contrary, the commission on firefighting personnel standards and education, created by § 4-24-101 shall terminate and cease all activities on the effective date of this act.

SECTION 14. Tennessee Code Annotated, Section 4-29-228, is amended by adding the following language as a new, appropriately designated subdivision:

( ) Tennessee firefighting commission created by § 4-24-101

SECTION 15. This act shall take effect on July 1, 2005, the public welfare requiring it.